

TSD File Inventory Index

Date: June 18, 2002

Initial: CMH/med/ao

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.4 Financial Insurance (Sudden, Non Sudden)	Y	.1 Land Disposal Restriction Notifications	
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.4 CMS Draft/Final Report		F Imagery/Special Studies (Videos, photos, disks, maps, blueprints, drawings, and other special materials.)	
.5 Stabilization		G.1 Risk Assessment	
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.7 Lab Data, Soil-Sampling/Groundwater		.2 Compliance and Enforcement	
D.4 Corrective Action Remediation Implementation		.3 Enforcement Confidential	
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.5 CMI QAPP		.8 Endangered Species Act	
.6 CMI Correspondence		.9 Environmental Justice	

Note: Transmittal Letter to Be Included with Reports.

Comments: _____



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

FILE

REPLY TO THE ATTENTION OF:

JUL 30 1993

HRE-8J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Donald T. Clayton
Registered Agent for
Contacts Metals Welding, Inc.
70 South Gray Street
Indianapolis, Indiana 46206

RECEIVED JUL 08 1993
WMD RCRA
RECORD CENTER *Compliance*

Re: Complaint, Findings of
Violation and Compliance Order
Contacts Metals Welding, Inc.
IND 089 263 412

Dear Mr. Clayton:

V-W- 15 - '93

Enclosed please find a Complaint and Compliance Order which specifies this Agency's determination of a violation by Contacts Metals Welding, Incorporated of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. §6901 et seq. This Agency's determination is based on information sent by the Indiana Department of Environmental Management (IDEM) regarding the facility located at 70 South Gray Street, Indianapolis, Indiana. The Findings in the Complaint state the reason for such a determination. In essence, the facility placed a restricted hazardous waste in waste piles in violation of the land disposal restrictions.

Accompanying this Complaint is a Notice of Opportunity for Hearing. Should you desire to contest the Complaint, a written request for a hearing is required to be filed within thirty (30) days of the date this Complaint has been filed with the Regional Hearing Clerk. The request for hearing must be filed with the Regional Hearing Clerk (MF-10J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. A copy of your request should also be sent to Mr. Timothy Thurlow, Office of Regional Counsel (CS-3T) at the above address.

Regardless of whether you choose to request a hearing within the prescribed time limit following the filing of this Complaint, you are extended an opportunity to request an informal settlement conference. Topics for discussion at the settlement conference may include the establishment of a compliance schedule or the mitigation of the proposed penalty in accordance with Agency guidance on pollution prevention and supplemental environmental

projects. A request for an informal settlement conference with U.S. EPA will not affect or extend the thirty (30) day deadline to file an Answer in order to avoid a Finding of Default on the Complaint.

If you have any questions or want to request an informal conference for the purpose of settlement with Waste Management Division staff, please contact Mr. Michael Cunningham, United States Environmental Protection Agency, RCRA Enforcement Branch (HRE-8J), 77 West Jackson Boulevard, Chicago, Illinois 60604. He may also be reached at (312) 886-4464.

Sincerely yours,

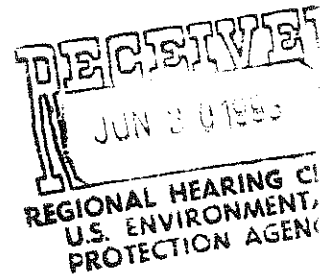


Norman R. Niedergang, Acting Associate Division Director
Office of RCRA
Waste Management Division

Enclosure

cc: Thomas Linson, IDEM (w/encl.)
Dan A. Orr, President, Contracts Metals Welding, Inc. (w/encl.)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V



IN THE MATTER OF:

CONTACTS METALS WELDING
70 SOUTH GRAY STREET
INDIANAPOLIS, INDIANA 46206

IND 089 263 412

DOCKET NO.

COMPLAINT, FINDINGS OF
VIOLATION AND
COMPLIANCE ORDER

PREAMBLE

15
V-W- 15 - '93

This Complaint is filed pursuant to Sections 300B(a)(1) and 3008(h) of the Resource Conservation and Recovery Act (RCRA) of 1976, as amended. 42 U.S.C. §6928(a)(1), and the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22. The Complainant is the Associate Director, Office of RCRA, Waste Management Division, Region V, United States Environmental Protection Agency (U.S. EPA). The Respondent is Contacts Metals Welding, Incorporated located at 70 South Gray Street, Indianapolis, Indiana 46206.

This Complaint is based on information obtained by U.S. EPA, including information from the Indiana Department of Environmental Management (IDEM). Based on a review of this information, violations of applicable Federal regulations were identified. Pursuant to 42 U.S.C. §6928(a)(1), and based on the information cited above, it has been determined that Respondent is in violation of the Federal regulations under Subtitle C of RCRA, specifically 40 CFR Section 268.30.

JURISDICTION

Jurisdiction for this action is conferred upon U.S. EPA by Sections 2002(a)(1), 3006(b), and 3008 of RCRA, 42 U.S.C. §6912(a)(1), §6926(b), and §6928, respectively.

On January 31, 1986, the State of Indiana was granted Final Authorization by the Administrator of the U.S. EPA, pursuant to Section 3006(b) of RCRA, 42 U.S.C. §6926(b), to administer a hazardous waste program in lieu of the Federal program. See 51 Federal Register 3953 (1986). As a result, facilities in Indiana qualifying for interim status under Section 3005(e) of RCRA, 42 U.S.C. §6925(e), are regulated under the Indiana provisions found at Indiana Administrative Code, Title 329, Article 3.1 et seq., rather than the Federal regulations set forth at 40 CFR Part 265, except for applicable requirements pursuant to provisions of the Hazardous and Solid Waste Amendments of 1984 (HSWA) for which Indiana is not authorized. Section 3008(a) of RCRA, 42 U.S.C. §6928(a), provides the U.S. EPA with the authority to enforce State regulations in those States authorized to administer a hazardous waste program. Notice to the State regarding this action has been provided.

FINDINGS OF VIOLATION

This determination of violation is based on the following:

1. Respondent, Contacts Metals Welding, Incorporated, is a person as defined by Section 1004(15) of RCRA, 42 U.S.C. §6903(15), and 329 IAC 3.1-4-20, who owns and operates a facility at 70 South Gray Street, Indianapolis, Indiana 46206, that generates hazardous waste. The Respondent is incorporated in the

State of Indiana. Respondent's registered agent is Donald T. Clayton, 70 South Gray Street, Indianapolis, Indiana 46206.

2. On August 14, 1980, Respondent filed a notification of hazardous waste activity for this facility with U.S. EPA pursuant to Section 3010 of RCRA. Respondent reported that it generated certain listed hazardous wastes (EPA hazardous waste numbers F002, F007, F009, P029, P030, P098, P104, P106) and certain characteristic hazardous wastes (EPA hazardous waste numbers D001, D002, and D000).

3. On November 7, 1986, U.S. EPA promulgated 40 CFR Part 268 implementing certain prohibitions and restrictions on the land disposal of hazardous waste. Land disposal restrictions for hazardous waste spent solvents (EPA hazardous waste numbers F001 through F005) became effective on November 8, 1986. Land disposal restrictions for solvent contaminated soil containing less than one percent total F001-F005 solvent constituents became effective on November 8, 1988. These regulations are codified at 40 CFR Parts 268.30(a) and (b).

4. On January 9, 1986, the Indiana State Board of Health (ISBH) conducted a RCRA compliance evaluation inspection at Respondent's facility. The purpose of this inspection was to determine Respondent's compliance with applicable hazardous waste management requirements of RCRA.

5. ISBH's report filed for this inspection noted that Respondent generated spent solvents from degreasing operations which are listed as hazardous waste at 329 IAC 3.1-6-1 (40 CFR §261.31) and assigned the EPA hazardous waste number F001.

6. During the inspection the ISBH inspector observed evidence of an oily

spill in an area where hazardous waste solvents (F001) had been stored. ISBH's report identified this area as "the drum storage area". The ISBH inspector also noted that more than 90 days had elapsed since the start of the accumulation date marked on one of the stored drums.

7. On November 19, 1987, the Indiana Department of Environmental Management (IDEM) ordered Respondent to submit a site assessment plan addressing the drum storage area, and a cleanup or remedial action plan based on the results of the site assessment.

8. Respondent retained ATEC Environmental Services, Incorporated (ATEC) to prepare these plans.

9. On June 10, 1988, ATEC submitted a Sampling and Analysis Report for the drum storage area. The report states "[a] comparison of analytical results with the TCLP limits indicates that certain contaminants were detected above the TCLP limits." Analytical results reported for one borehole showed the presence of volatile organic compounds (VOCs), including trichloroethylene, tetrachloroethylene, and 1,1,1-trichloroethane at concentrations ranging from 2.2 to 48 parts per million (ppm).

10. Spent degreasing solvents containing trichloroethylene, tetrachloroethylene, and 1,1,1-trichloroethane are hazardous wastes assigned the EPA hazardous waste number F001. See 329 IAC 3.1-6-1 (40 CFR §261.31).

11. On August 25, 1988, ATEC submitted to IDEM a Sampling, Analysis and Cleanup Plan for the drum storage area. ATEC proposed to excavate all soil contaminated with VOCs and place it on plastic sheets, pending disposal off site.

12. On October 26, 1988, IDEM sent Respondent a Notice of Deficiency, based on a review of the August 1988 Cleanup Plan. IDEM specifically stated that "[c]leanup should consist of the removal of all contaminated soils and debris from the site.... Soil removed from the site shall be placed in containers compatible with the waste (not plastic sheets) prior to shipping off site."

13. On December 9, 1988, ATEC submitted to IDEM a Revised Sampling, Analysis and Cleanup Plan. The Revised Plan called for contaminated soil to be excavated and "stored temporarily in roll-off containers or other containers compatible with the waste."

14. On February 2, 1989, IDEM approved the December 1988 Revised Cleanup Plan. The approval letter noted that if CMW failed to follow the plan as approved, the matter would be referred for enforcement action.

15. On June 15, 1989, ATEC notified IDEM that it would proceed with the approved cleanup plan, and would begin cleanup activities on June 16, 1989.

16. On December 27, 1990, IDEM notified CMW that it had reviewed several cleanup reports submitted by ATEC and discovered that contaminated soils excavated from the drum storage area had been placed in piles, rather than in containers. IDEM termed this illegal and unacceptable and ordered CMW to remove and properly dispose of the contaminated soil.

17. "Land disposal" is defined at 40 CFR §§268.2(c) as "placement in or on the land and includes...placement in a...waste pile..."

18. Beginning on or about June 16, 1989, Respondent placed soils contaminated with spent solvents (F001) in waste piles, violating 40 CFR §268.30.

19. As of April 1, 1993, Respondent has not removed all contaminated soil from the drum storage area as required by the December 1988 Revised Cleanup plan.

COMPLIANCE ORDER

Respondent having been initially determined to be in violation of the above cited rules and regulations, the following Compliance Order, pursuant to Section 3008 of RCRA, 42 U.S.C. §6928, is entered:

- A. Respondent shall, immediately upon this Order becoming final, comply with the land disposal restrictions at 40 CFR Part 268.
- B. Respondent shall not treat, store, or dispose of hazardous waste without a RCRA permit, except as provided for in Paragraphs C through E of this Order.
- C. Respondent shall, no later than sixty (60) days from this order becoming final, complete implementation of the December 9, 1988 Revised Sampling, Analysis and Cleanup Plan for the drum storage area submitted by ATEC Associates along with the conditions outlined in the Notice of Acceptance from IDEM dated February 2, 1989.
- D. Respondent shall, no later than thirty (30) days from this Order becoming final, submit a closure plan pursuant to 329 IAC 3.1-10-1&2

addressing closure of the waste piles to IDEM for review and approval.

E. Upon approval of the closure plan by IDEM, Respondent shall carry out and complete all closure activities according to the time frames stated in the closure plan.

F. Within sixty (60) days of completion of final closure of the waste piles and drum storage area Respondent shall submit to IDEM (pursuant to 329 IAC 3.1-10-1&2), by registered mail, a certification that these hazardous waste management units have been closed in accordance with the specifications in the approved closure plans. The certification must be signed by the owner or operator and by an independent registered professional engineer.

G. Respondent shall notify U.S. EPA in writing within seven (7) days of achieving compliance with each requirement of this Order. This notification shall be submitted no later than the time stipulated above to the U.S. EPA, Region V, Waste Management Division, 77 West Jackson Street, Chicago, Illinois 60604, Attention: Mr. Michael Cunningham, RCRA Enforcement Branch (HRE-8J).

A copy of these documents and all correspondence with U.S. EPA regarding this Order shall also be submitted to Mr. Timothy Thurlow, Office of Regional Counsel (C-3T), at the above address.

Notwithstanding any other provision of this Order, an enforcement action may be brought pursuant to Section 7003 of RCRA or other statutory authority where the handling, storage, treatment, transportation, or disposal of solid or hazardous waste at this facility may present an imminent and substantial endangerment to human health or the environment.

PROPOSED CIVIL PENALTY

In view of the above determination and in consideration of the seriousness of the violations cited herein, the potential harm to human health and the environment, the continuing nature of the violations, and the ability of the Respondent to pay penalties, the Complainant proposes to assess a civil penalty in the amount of **SIX HUNDRED TWENTY SIX THOUSAND TWO HUNDRED THIRTY THREE DOLLARS** (\$626,233) against the Respondent, Contacts Metals Welding, Incorporated, pursuant to Sections 3008(c) and 3008(g) of RCRA, 42 U.S.C. §6928. Attachment I of the Complaint provides a detailed summary of the proposed civil penalty. Payment shall be made by certified or cashier's check payable to the Treasurer of the United States of America and shall be mailed to U.S. EPA, Region V, P.O. Box 70753, Chicago, Illinois 60673. Copies of the transmittal of the payment should be sent to both the Regional Hearing Clerk, Planning and Management Division (MFA-10J), and the Solid Waste and Emergency Response Branch Secretary, Office of Regional Counsel (CS-3T), U.S. EPA, 77 West Jackson Street, Chicago, Illinois 60604.

Failure to comply with any requirements of the Order shall subject the above-named Respondent to liability for a civil penalty of up to TWENTY-FIVE THOUSAND DOLLARS (\$25,000) for each day of continued noncompliance with the deadlines contained in this Order. U.S. EPA is authorized to assess such penalties pursuant to RCRA Section 3008(c).

NOTICE OF OPPORTUNITY FOR HEARING

The above-named Respondent has the right to request a hearing to contest any material factual allegation set forth in the Complaint and Compliance Order or

the appropriateness of any proposed compliance schedule or penalty. Unless Respondent has filed an answer not later than thirty (30) days from the date this Complaint is filed with the Regional Hearing Clerk, Respondent may be found in default of the above Complaint and Compliance Order.

To avoid a finding of default by the Regional Administrator, Respondent must file a written answer to this Complaint with the Regional Hearing Clerk, Planning and Management Division (MF-10J), U.S. EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, by **AUG 11 1993**. A copy of your answer and any subsequent documents filed in this action should be sent to Mr. Timothy Thurlow, Assistant Regional Counsel (CS-3T), at the above address. Failure to answer by that date may result in a finding by the Regional Administrator that the entire amount of penalty sought in the Complaint is due and payable and subject to the interest and penalty provisions contained in the Federal Claims Collection Act of 1966, 31 U.S.C. §§3701 et seq.

Your answer should clearly and directly admit, deny, or explain each of the factual allegations of which Respondent has knowledge. Said answer should contain: (1) a definite statement of the facts which constitute the grounds of defense; and (2) a concise statement of the facts which Respondent intends to place at issue in the hearing.

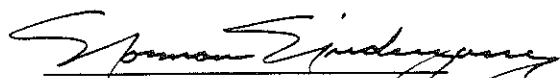
The Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22, are applicable to this administrative action. A copy of these Rules is enclosed with this Complaint.

SETTLEMENT CONFERENCE

Whether or not Respondent requests a hearing, Respondent may confer informally with U.S. EPA concerning: (1) whether the alleged violations in fact occurred as set forth above; (2) the appropriateness of the compliance schedule; and (3) the appropriateness of any proposed penalty in relation to the size of Respondent's business, the gravity of the violations, and the effect of the proposed penalty on Respondent's ability to continue in business. Respondent may request an informal settlement conference at any time by contacting this office. Any such request, however, will not affect either the thirty-day time limit for responding to this Complaint or the thirty-day time limit for requesting a formal hearing on the violations alleged herein.

U.S. EPA encourages all parties to pursue the possibilities of settlement through informal conferences. A request for an informal conference should be made in writing to Mr. Michael Cunningham, RCRA Enforcement Branch (HRE-BJ), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604, or by calling him at (312) BB6-4464.

Dated this 30th day of June, 1993.



Norman R. Niedergang Acting
Associate Division Director
Office of RCRA
Waste Management Division
Complainant
U.S. Environmental Protection Agency
Region V

CERTIFICATE OF SERVICE

I hereby certify that I have caused a copy of the foregoing Complaint to be served upon the persons designated below, on the date below, by causing said copy to be deposited in the U.S. Mail, First Class and certified-return receipt requested, postage prepaid, at Chicago, Illinois, in an envelope addressed to:

Donald T. Clayton
Resident Agent for
Contacts Metals Welding, Inc.
70 South Gray Street
Indianapolis, Indiana 46206

Dan A. Orr, President
Contacts Metals Welding, Inc.
345 Woodhill Drive
Indianapolis, Indiana 46227

These are said persons' last addresses known to the subscriber.

I have further caused the original of the Complaint and this Certificate of Service to be served in the Office of the Regional Hearing Clerk (MFA-10J) located in the Planning and Management Division, U.S. EPA, Region V, 77 West Jackson Boulevard, Chicago, Illinois 60604, on the date below.

Dated this 30th day of June, 1993.

Christa M. Perry
Secretary, RCRA Enforcement Branch
U.S. EPA, Region V

ATTACHMENT 1
PENALTY SUMMARY SHEET

NATURE OF VIOLATION DATE OF VIOLATION	CITATION OF REGULATION OR LAW	POTENTIAL FOR HARM	EXTENT OF DEVIATION	GRAVITY -BASED PENALTY	MULTI- DAY PENALTY AMOUNT	ADJUST- MENTS	ECONOMIC BENEFIT	TOTAL PENALTY
Land disposal of a restricted waste (F001) in waste piles from June 16, 1989 to the present.	40 CFR \$268.30	MAJOR	MAJOR	\$22,500	\$537,000	+\$55,950	\$10,783	\$626,233



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NANCY A. MALOLEY, Commissioner

105 South Meridian Street
P.O. Box 6015
Indianapolis 46206-6015
Telephone 317-232-8603

SEP 30 1988

Mr. Nicholas Hale
CMW, Inc.
70 South Gray Street
Indianapolis, Indiana 46206

Re: Hazardous Waste Management
Letter of Compliance (VL-081)
CMW, Inc.
EPA I.D. No. IND 089263412
70 South Gray Street,
Indianapolis, Marion County

Dear Mr. Hale:

Based upon documents available to the Office of Solid and Hazardous Waste Management staff during a record review on September 1, 1988, it has been determined that CMW, Inc. has achieved compliance with the terms of the Violation Letter issued to your firm on November 19, 1987.

The review and approval of the sampling, analysis and cleanup plan submitted to the Department on August 26, 1988, will be handled by the Plan Review and Permit Section (PRPS) of the Office of Solid and Hazardous Waste Management (OSHWM). Should future enforcement of this matter be necessary, it will be referred back to the Enforcement Section of the OSHWM. Any questions relative to the sampling analysis and cleanup plan should be directed to Mr. Thomas Linson of PRPS at AC 317/232-3292. Any questions concerning this matter, should be directed to Mr. Robert C. Steele at AC 317/232-4464.

Sincerely,

Bruce H. Palin

Bruce H. Palin
Acting Assistant Commissioner for
Solid and Hazardous Waste Management

RCS/sac

cc: Marion County Health Department
Ms. Sally K. Swanson, U.S. EPA, Region V
Mr. Lewis R. Schoenberger
Mr. Thomas E. Linson

Swanson



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NANCY A. MALOLEY, Commissioner

105 South Meridian Street

P.O. Box 6015

Indianapolis 46206-6015

Telephone 317-232-8603

RECEIVED

MAR 07 1988

March 1, 1988

VIA CERTIFIED MAIL P 652 575 498

U.S. EPA, REGION V
WASTE MANAGEMENT DIVISION
OFFICE OF THE DIRECTOR

Mr. Nicholas Hale
CMW, Inc.
70 South Gray Street
Indianapolis, Indiana 46206

Re: Notice of Approval (VL-081)
CMW, Inc.
Indianapolis, Marion County

IND. 089-263-412

Dear Mr. Hale:

This will acknowledge receipt of information from CMW, Inc., on January 29, 1988. This information was submitted in response to our Violation Letter dated November 19, 1987, regarding your agency's compliance with Indiana Code 13-7, the Indiana Environmental Management Act, and 320 IAC 4.1, "Hazardous Waste Management Permit Program and Related Hazardous Waste Management Requirements."

Staff has reviewed the sampling and analysis cleanup plan submitted to this office on January 29, 1988. The plan has been determined to be adequate and is therefore approved.

As stated previously in the November 19, 1987, Violation Letter issued to your agency, the following paragraphs must be followed in order to properly cleanup the site.

1. Within thirty (30) days of the completion of the analysis, the test results shall be submitted to this office. The cleanup plan must address all area determined by the analyses to be contaminated and shall include a time frame for implementation of the cleanup plan.
2. Within ten (10) days of completion of the cleanup plan, a certification that the cleanup has been completed as outlined in the approved plan must be submitted by an independent registered professional engineer.

Mr. Nicholas Hale
Page 2

If you have any questions regarding this matter, please contact
Mr. Robert C. Steele of this office at AC 317/232-4464.

Sincerely,

A handwritten signature in cursive script that reads "Jane Magee".

Jane Magee
Assistant Commissioner for
Solid and Hazardous Waste Management

RCS/rmw

cc: Marion County Health Department
Ms. Sally K. Swanson, U.S. EPA, Region V ✓
Mr. Jeffrey L. Blankenberger

Swanson



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
NANCY A. MALOLEY, Commissioner

105 South Meridian Street
P.O. Box 6015
Indianapolis 46206-6015
Telephone 317-232-8603

RECEIVED
NOV 23 1987

VIA CERTIFIED MAIL

NOV 19 1987

U.S. EPA, REGION V
WASTE MANAGEMENT DIVISION
OFFICE OF THE DIRECTOR

Mr. Robert Shelton
CMW, Inc.
70 South Gray Street
Indianapolis, Indiana 46201

Re: Hazardous Waste Management
Enforcement Follow-up Inspection
CMW, Inc.
IND 089263412
Violation Letter (VL-081)

Dear Mr. Shelton:

Representatives of the Department of Environmental Management (Department) are conducting inspections of facilities in Indiana that are engaged in the generation, transportation, treatment, storage, or disposal of hazardous waste. Facilities are being inspected to determine compliance with Indiana Code 13-7, the Indiana Environmental Management Act, and 320 IAC 4.1, "Hazardous Waste Management Permit Program and Related Hazardous Waste Management Requirements." These inspections and record reviews are also being conducted pursuant to the requirements of the Resource Conservation and Recovery Act (RCRA), Public Law 94-580, as amended, for authorized state hazardous waste management programs.

This is to inform you that on October 16, 1987, an inspection of CMW, Inc., located at 70 South Gray Street, was conducted by Messrs. Robert Steele and Jeff Blankenberger of the Office of Solid and Hazardous Waste Management, of the Department. You represented your firm at this inspection.

A Notice of Compliance was sent to you in regards to the previous enforcement action (V-280). As related to you during the inspection, this new action is necessary in order to clean up the drum storage area.

The following violation of RCRA and 320 IAC 4.1 pertaining to the operation of your facility was noted:

1. 320 IAC 4.1-17-2 There is evidence of fire, explosion, or release of hazardous waste or hazardous waste constituents on premises which could threaten human health or the environment. A release was noted in the drum storage area. Laboratory analysis indicates that the soil in the area is hazardous due to high Cadmium content.

CMW, Inc., within thirty (30) calendar days of receipt of this letter, shall achieve compliance with the following requirements:

1. Respondent shall submit to the Department a site assessment plan. The purpose shall be to conduct sampling and analysis in order to assess the degree and extent of contamination of the soil and any impact on the groundwater. This plan must:
 - a. Address the contaminated soil in the "drum storage area."
 - b. Specify the method of determining the number and location of samples to be taken within the contaminated area to yield a representative assessment of the contaminated area as outlined in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA Publication," SW-846.
 - c. Include the method of sample collection, per SW-846.
 - d. State that samples will not be composited.
 - e. Clearly define all sampling and analytical protocol as defined in 320 IAC 4.1-6 (320 IAC 4.1-6-5, 4.1-6-6, and 4.1-6-7). A copy of Guidelines for Sampling and Analysis Plans is attached.
 - f. Specify that chain-of-custody of the samples shall be maintained and Quality Assurance and Quality Control (QA/QC) procedures shall be followed.
 - g. Include a statement in the initial proposal that a contingent plan for sampling outside the visibly contaminated area will be submitted in the event that sampling shows contamination to exist at the limit of the sample area.
 - h. Include the time frames for implementation of the site assessment plan.
 - i. Be approved by the Department prior to implementation of the plan.
2. Within ten (10) day of notice of approval of the site assessment plan by the Department, Respondent shall implement the plan as approved and in accordance with the time frames contained therein.
3. Within thirty (30) day of completion of the analyses, Respondent shall submit a cleanup or remedial action plan to the Department based upon the results of the site assessment plan. The cleanup or remedial action plan must:
 - a. Include the results of the analyses, chain-of-custody information, and the QA/QC records.

- b. Address all areas determined by the analyses to be contaminated.
 - c. Address the groundwater, if it is determined to be affected.
 - d. Include a soil sampling and analyses plan to be performed after the cleanup has been done which verifies that all contamination has been removed. (This will include all items listed above.)
 - e. Include a time frame for implementation of the cleanup plan.
- 4. Within ten (10) days of notice of approval by the Department, Respondent shall implement the cleanup plan as approved and in accordance with the time frames contained therein.
 - 5. Within thirty (30) days of completion of the cleanup, Respondent shall submit certification by an independent registered professional engineer that the cleanup has been completed as outlined in the approved plan.

Your company shall submit to this office, within thirty (30) calendar days of receipt of this letter, a written detailed explanation of the steps taken to achieve compliance. The letter shall state the date compliance was achieved.

Failure to respond adequately to this Violation Letter and verify a return to compliance at this facility will result in escalated enforcement action.

Please direct your response to this Violation Letter and any questions to Mr. Robert C. Steele of the Office of Solid and Hazardous Waste Management, Department of Environmental Management, at AC 317/232-4464.

Sincerely,



Jane Magee
Assistant Commissioner for
Solid and Hazardous Waste Management

RCS/tjd

Enclosure

cc: Marion County Health Department
Ms. Sally K. Swanson, U.S. EPA, Region V ✓
Mr. Jeff L. Blankenberger
Mr. David J. Koepper

Swanson



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NANCY A. MALOLEY, Commissioner

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NOV 9 1987

U.S. EPA, REGION V
WASTE MANAGEMENT DIVISION
HAZARDOUS WASTE ENFORCEMENT

105 South Meridian Street

P.O. Box 6015

Indianapolis 46206-6015

Telephone 317-232-8603

NOV 04 1987

Mr. Robert Shelton
CMW, Inc.
70 South Gray Street
P.O. Box 2266
Indianapolis, Indiana 46206

Re: Notice of Compliance, Case No. V-280
CMW, Inc.
EPA I.D. No. IND 089263412
70 South Gray Street
Indianapolis, Marion County

Dear Mr. Shelton:

Based upon documents available to the Office of Solid and Hazardous Waste Management staff during a record review on October 14, 1987, and the results of a reinspection conducted at your facility on October 16, 1987, it has been determined that CMW, Inc., has achieved compliance with the terms of the Notice of Violation issued to your firm on February 19, 1986.

If you have any questions concerning this matter, feel free to contact Mr. Robert Steele of the Office of Solid and Hazardous Waste Management at AC 317/232-4464.

Sincerely,

Bruce H. Paulin for

Jane Magee
Assistant Commissioner for
Solid and Hazardous Waste Management

RCS/tjd

cc: Mr. David J. Koepper
Marion County Health Department
Ms. Sally K. Swanson, U.S. EPA, Region V ✓
Mr. Jeff L. Blankenberger



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
NANCY A. MALOLEY, Commissioner

105 South Meridian Street
P.O. Box 6015
Indianapolis 46206-6015
Telephone 317-232-8603

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JUL 13 1987

U.S. EPA REGION 4
WASTE MANAGEMENT DIVISION
HAZARDOUS WASTE ENFORCEMENT BRANCH

JUL 08 1987

VIA CERTIFIED MAIL

Mr. Michael M. Timms
CMW, Inc.
70 South Gray Street
P.O. Box 2266
Indianapolis, IN 46206

Re: Notice of Inadequacy (V-280)
CMW, Inc.
EPA I.D. No. IND 089263412
Indianapolis, Indiana

Dear Mr. Timms:

This will acknowledge the receipt of information from CMW, Inc., on October 28, 1986. This information was submitted in response to our Notice of Inadequacy dated July 16, 1986, regarding your firm's compliance with Indiana Code 13-7, the Indiana Environmental Management Act, and Indiana Administrative Code, 320 IAC 4.1, "Hazardous Waste Management Permit Program and Related Hazardous Waste Management Requirements."

Staff has reviewed the information submitted and determined that your response is not sufficient to determine if compliance with hazardous waste management requirements under 320 IAC 4.1 have been met. Please submit additional information as listed below:

EP Toxicity tests must be conducted on Silica Sand and samples taken from the storage area. Documentation of the results of this sampling must be submitted.

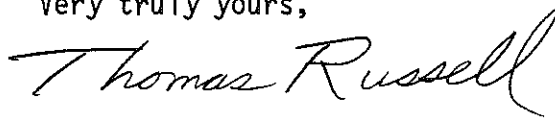
Your response must be revised or supplemented as necessary to address these deficiencies and be submitted to this office within fifteen (15) days.

If you fail to respond fully and adequately to this notice and document your facility's return to compliance, a formal Complaint with civil penalty will be issued to compel compliance.

Mr. Michael M. Timms
Page 2

If you have any questions regarding this matter, please contact Mr. Robert Steele of this office at AC 317/232-4464.

Very truly yours,

A handwritten signature in cursive script that reads "Thomas Russell". The signature is written in dark ink and is positioned above the typed name and title.

Thomas Russell, Chief
Enforcement Section
Hazardous Waste Management Branch
Solid and Hazardous Waste Management

RCS/tjd

cc: Marion County Health Department
Ms. Sally Swanson, U.S. EPA, Region V
Mr. David Koepper

STATE OF INDIANA

DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT



INDIANAPOLIS, 46225

105 South Meridian Street

July 16, 1986

VIA CERTIFIED MAIL

Mr. Michael M. Timms
CMW, Inc.
70 S. Gray Street
P.O. Box 2266
Indianapolis, IN 46206

Dear Mr. Timms:

Re: RCRA Notice of Inadequacy (V-280)
CMW, Inc.
IND 089263412

This will acknowledge the receipt of information from CMW, Inc., on April 17, 1986. This information was submitted in response to our letter of February 19, 1986, citing violations of the Federal Resource Conservation and Recovery Act (RCRA) and 320 IAC 4.1.

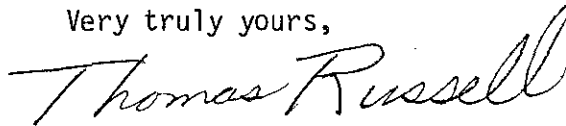
Staff has reviewed the materials submitted and determined that they are inadequate to achieve compliance with RCRA and 320 IAC 4.1. Our concerns pertaining to these materials are:

1. EP Toxicity tests must be conducted on Silica Sand and samples taken from the storage area. Spectrographic analysis shows that metals are present in some quantities in the samples and the possibility that the wastes could be characteristically hazardous cannot be discounted.
2. Hazardous waste management personnel training records must conform to 320 IAC 4.1-16-7. The records must include job titles, job descriptions, and a written description of the type and amount of introductory and continuing training that will be given to each person filling a particular job title. The training program must teach them to perform their duties in a way that ensures the facility's compliance with 320 IAC 4.1-15 through 320 IAC 4.1-32.
3. The arrangements with emergency authorities did not include the hospital.
4. The evacuation plan in the contingency plan did not include an alternate evacuation route.

Please revise these materials and submit them to our office within thirty (30) days.

If you have any questions, please call Mr. Robert Malone of the Office of Solid and Hazardous Waste Management, Department of Environmental Management, at AC 317/232-3409.

Very truly yours,

A handwritten signature in cursive script that reads "Thomas Russell". The signature is written in dark ink and is positioned above the typed name and title.

Thomas Russell, Chief
Enforcement Section
Hazardous Waste Management Branch
Solid and Hazardous Waste Management

RDM/lsm

cc: Marion County Health Department
Ms. Sally K. Swanson, U.S. EPA, Region V
Mr. David Koepper

STATE OF INDIANA



INDIANAPOLIS

STATE BOARD OF HEALTH
AN EQUAL OPPORTUNITY EMPLOYER

Address Reply to:
Indiana State Board of Health
1330 West Michigan Street
P. O. Box 1964
Indianapolis, IN 46206-1964

VIA CERTIFIED MAIL

Mr. Michael Timms
CMW, Inc.
70 South Gray Street
Indianapolis, IN 46201

Dear Mr. Timms:

Re: RCRA Compliance Inspection
CMW, Inc.
IND 089263412
Notice of Violation (V-280)

The Environmental Management Board is cooperating with the U.S. Environmental Protection Agency, Region V, in carrying out the provisions of the Resource Conservation and Recovery Act, Public Law 94-580 (RCRA). In this effort, representatives of the Environmental Management Board are conducting inspections of facilities in Indiana that are engaged in the generation, transportation, treatment, storage, or disposal of hazardous waste. In addition to RCRA requirements, facilities are being inspected to determine compliance with Environmental Management Board 320 IAC 4.1, "Hazardous Waste Management Permit Program and Related Hazardous Waste Management Requirements."

This is to inform you that on January 9, 1986, an inspection of CMW, Inc., located at 70 South Gray Street, Indianapolis, Indiana, was conducted by Mr. David Koepper of the Division of Land Pollution Control (Division), Indiana State Board of Health. Messrs. John Helvaty and Mark Leonberger, Ms. Linda Barnes, and you represented your firm at this inspection.

The following violations of RCRA and 320 IAC 4.1 pertaining to the operation of your facility were noted:

1. 320 IAC 4.1-7-2

Generator has not determined if the sodium nitrate salt bath waste, silica sand from the sintering operation, and the spillage in the drum storage area are hazardous wastes.

2. 320 IAC 4.1-9-5
referencing
320 IAC 4.1-16-7
Personnel have not received required training.
3. 320 IAC 4.1-9-5
referencing
320 IAC 4.1-16-7
Lack of personnel training records.
4. 320 IAC 4.1-9-5
referencing
320 IAC 4.1-18-3
The contingency plan does not describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and state and local emergency response teams.
5. 320 IAC 4.1-9-5
referencing
320 IAC 4.1-18-3
The contingency plan does not list the home addresses of all persons who may assume responsibility as emergency coordinators.
6. 320 IAC 4.1-9-5
referencing
320 IAC 4.1-18-3
The contingency plan does not include a list of all emergency equipment, location of equipment, physical description of each item on the list, and a brief outline of equipment capabilities.
7. 320 IAC 4.1-9-5
referencing
320 IAC 4.1-18-3
The contingency plan does not include an evacuation plan.
8. 320 IAC 4.1-9-5
and
320 IAC 4-6-1
Lack of internal communications system, alarm system, telephone, or two-way radio.
9. 320 IAC 4.1-9-5
referencing
320 IAC 4-6-1
Immediate access to internal alarm systems was not provided.
10. 320 IAC 4.1-9-5
and
320 IAC 4-6-2
Lack of spill control equipment.
11. 320 IAC 4.1-9-5
Start of accumulation period was not clearly marked on each container.
12. 320 IAC 4.1-9-5
The hazardous waste storage ~~drums were~~ not marked with the words "Hazardous Waste."
13. 320 IAC 4.1-9-5
Generator has stored hazardous waste over ninety (90) days.

CMW, Inc., within thirty (30) calendar days of receipt of this letter, shall achieve compliance with the following requirements:

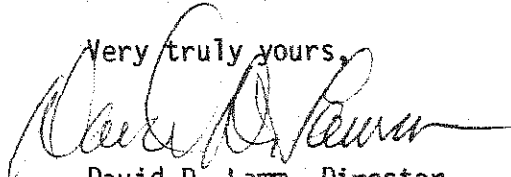
1. Determine if the waste generated is hazardous as defined by 320 IAC 4.1. (If you believe the waste is not hazardous, include evidence to support your decision.)
2. Provide a training program as described in 320 IAC 4.1-16-7 for all personnel involved in hazardous waste management.
3. Document a training program as described in 320 IAC 4.1-16-7 for all personnel involved in hazardous waste management.
4. Revise your contingency plan to include all requirements of 320 IAC 4.1-18. Submit a copy of your revised plan to this office.
5. Copies of the revised contingency plan shall be on file at the site, state, and local emergency organizations.
6. Provide an internal communication system, alarm system, telephone, or two-way radio.
7. Provide immediate access to internal alarm systems.
8. Provide spill control equipment.
9. Mark the start of the accumulation period on each container.
10. Mark the hazardous waste containers with the words "Hazardous Waste."
11. Ensure transportation of the hazardous waste to a permitted facility by a person who has notified the U.S. Environmental Protection Agency as a hazardous waste transporter. If the waste is a liquid, then the transporter must also have a valid Liquid Industrial Waste Hauler Permit as required by 330 IAC 4-10. All future hazardous waste generated by your company must not be stored for more than ninety (90) days.

Your company shall submit to this office, within thirty-five (35) calendar days of receipt of this letter, a written detailed explanation of the steps taken to achieve compliance. The letter shall state the date compliance was achieved.

Failure to respond adequately to this Notice of Violation and verify a return to compliance at this facility will result in escalated enforcement action.

Please direct your response to this letter and any questions to Mr. Robert Malone of this Division at AC 317/243-5052.

Very truly yours,

A handwritten signature in dark ink, appearing to read "David D. Lamm", written over the typed name.

David D. Lamm, Director
Division of Land Pollution Control

RDM/tr

cc: Marion County Health Department

Ms. Sally K. Swanson, U.S. EPA, Region V

Mr. David Koepper



CMW INC.

P. O. Box 2266
70 S. Gray Street
Indianapolis, IN 46206
Telephone: 317-634-8884

October 7, 1982

IND 089 263 412

Arthur Kawatachi
Environmental Protection Agency
230 South Dearborn St.
Chicago, IL 60604

RECEIVED

OCT 14 1982

WASTE MANAGEMENT BRANCH
EPA, REGION V

Dear Arthur,

This letter is in answer to the letter sent to Will Hamilton, Director of Plant Engineering, CMW, Inc., concerning RCRA activities.

We have reduced the hazardous materials used in our production areas and do not believe we will have to store hazardous waste materials more than 90 days.

The only material we may have would be a silver plating solution that has become contaminated and unsuitable for our use. When this does occur, we would plate out all of the silver, list the remaining solution as F007 spent cyanide plating solutions from electroplating operations and ship the material to Nelson Industrial Services, Inc., Detroit, Michigan for disposal.

To plate out all of the silver from the cyanide plating solution is a slow process and we will ship the spent plating solution to Nelson before the 90 day time limit.

We may have marked the TSD box on the notification form by mistake.

We have received the application for a hazardous waste permit you sent. We will keep the application form and will apply for a permit if conditions change in the future.

I appreciate your assistance in clearing up this problem.

Sincerely,

Carl L. Bastion

Carl L. Bastion
Senior Plant Engineer